

# Notice of Allowability

Application No.

10/692,613

Examiner

Sara Addisu

Applicant(s)

FRANCIS ET AL.

Art Unit

3722

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/14/06.
2. ☒ The allowed claim(s) is/are 17, 24, 25 and 46-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

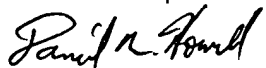
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



**Daniel W. Howell**  
Primary Examiner  
Art Unit 3722

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter Rashid on 6/29/06.

The application has been amended as follows:

- Claim 17, line 11, delete the word "tapered".
- Claim 17, line 12, delete the word "tapered"

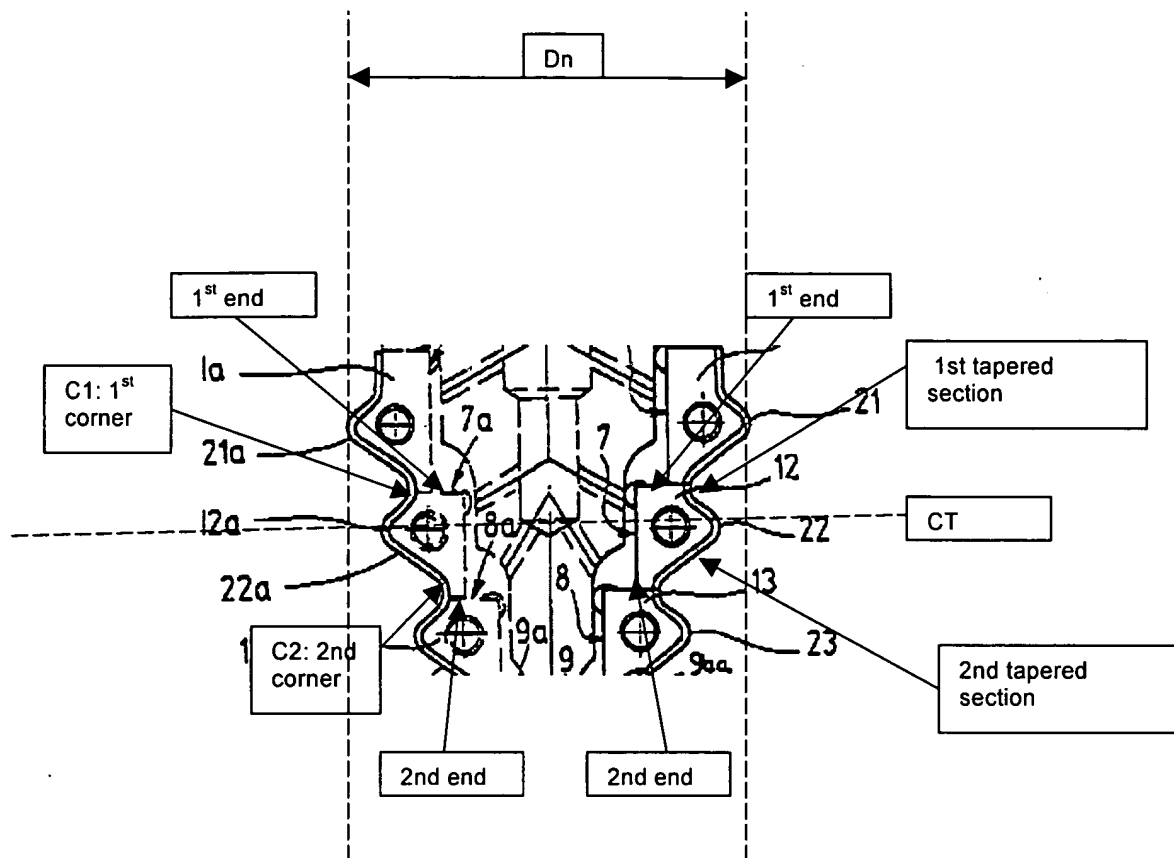
### ***Allowable Subject Matter***

Claims 17, 24, 25 and 46-49 are allowed.

Regarding independent claim 17, the closest prior art to the instant invention is Wetli et al. (USP 6,322,296). WETLI ET AL. teaches a rotary cutting tool (1) including a body (2) having first and second flutes (4,5) including a first and second insert receiving pockets with first and second inserts (12, 12a, respectively) mounted in them ('296,

Art Unit: 3722

figures 2 and 5). WETLI ET AL. also teaches each cutting insert (12, 12a) having a first end, a second end, a centerline (CT) disposed midway between the first and second ends, a tapered cutting edge (22, 22a) spanning between the first and the second end, a first corner (c1) formed at the juncture of the tapered cutting edge and the first end and a second corner (c2) formed at the juncture of the tapered cutting edge and the second end (see figure below). Additionally, WETLI ET AL. teaches the tapered cutting edges (22, 22a) of the insert being defined by a first and second tapered section, forming a convex curve defining a highpoint there between (see figure below). WETLI ET AL. also teaches a nominal cutting diameter ( $D_n$ : see below) and the first and second corners of each insert lie within the nominal cutting diameter ( $D_n$ ) when the tool is rotated. However, WETLI ET AL. fails to anticipate or make obvious the convex curve formed by the first and second tapered sections having a configuration of constant radius (note: the tapered sections are straight). Furthermore, WETLI ET AL. fails to anticipate or make obvious the highest point of the first cutting insert being substantially circumferentially aligned with the first end of the second cutting edge, when the rotary tool is rotated about the rotational axis.



### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

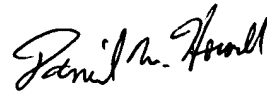
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3722

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SA  
7/6/06

  
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Art Unit 3722